

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION COMMITTEE ON NATURAL RESOURCES

Call to Order: By **CHAIRMAN CINDY YOUNKIN**, on March 26, 2001 at 3:00 P.M., in Room 152 Capitol.

ROLL CALL

Members Present:

Rep. Cindy Younkin, Chairman (R)
Rep. Rick Dale, Vice Chairman (R)
Rep. Dee Brown (R)
Rep. Gilda Clancy (R)
Rep. Aubyn A. Curtiss (R)
Rep. Larry Cyr (D)
Rep. Christopher Harris (D)
Rep. Linda Holden (R)
Rep. Joan Hurdle (D)
Rep. Rick Laible (R)
Rep. Jeff Laszloffy (R)
Rep. Douglas Mood (R)
Rep. Bob Story (R)
Rep. Brett Tramelli (D)
Rep. David Wanzenried (D)

Members Excused: Rep. Gail Gutsche, Vice Chairman (D)
Rep. Keith Bales (R)
Rep. Rod Bitney (R)
Rep. Bill Eggers (D)
Rep. Ron Erickson (D)

Members Absent: None.

Staff Present: Holly Jordan, Committee Secretary
Larry Mitchell, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 449, 3/16/2001; SJ 13,
3/16/2001; SB 484, 3/16/2001
Executive Action: SB 449; SJ 13; SB 484; HB 69;
SB 377; SB 455

HEARING ON SB 449

Sponsor: SEN. JON TESTER, SD 45, Big Sandy

Proponents: Jan Sensibaugh, DEQ

Opponents: None.

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 0.1}

SEN. JON TESTER, SD 45, Big Sandy, stated the bill combines four accounts into one. The intent is there is minor amounts of money in each account and they can be consolidated. He passed out an amendment **EXHIBIT**(nah68a01).

Proponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 2}

Jan Sensibaugh, DEQ, submitted written testimony **EXHIBIT**(nah68a02).

Opponents' Testimony: None.

Questions from Committee Members and Responses: None.

Closing by Sponsor:

SEN. TESTER asked for a do concur.

EXECUTIVE ACTION ON SB 449

{Tape : 1; Side : A; Approx. Time Counter : 7.9}

Motion: REP. WANZENRIED moved that SB 449 BE CONCURRED IN.

Motion/Vote: REP. WANZENRIED moved that AMENDMENT SB044901.alm BE ADOPTED. Motion carried unanimously.

Motion/Vote: REP. DALE moved that SB 449 BE CONCURRED IN AS AMENDED. Motion carried unanimously.

HEARING ON SJ 13

Sponsor: SEN. BILL CRISMORE, SD 41, Libby

Proponents: Don Allen, WETA

Cary Hegreberg, Montana Wood Products Association

Patrick Heffernan, Montana Logging Association

Opponents: None.

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 9.4}

SEN. BILL CRISMORE, SD 41, Libby, stated at the present time Idaho does not allow out-of-state people to bid on their state timber sales if the logs are going to be taken out of Idaho. Montana does not have that. This resolution is asking Idaho to rescind their law.

Proponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 11.8}

Don Allen, WETA, stated that he, Mr. Hegreberg and Mr. Heffernan are in support of SJ 13. It is a nice way to send the right message to Idaho.

Opponents' Testimony: None.

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 12.7}

REP. LASZLOFFY asked SEN. CRISMORE is it easier to buy timber in Idaho than it is in Montana? SEN. CRISMORE stated this will just put Idaho and Montana on an equal field.

REP. CURTISS asked SEN. CRISMORE has there been any effort to address this by the Western State's Forestry Task Force SEN. CRISMORE stated, there were some letters sent and Washington was going to put the push on them too.

REP. HARRIS asked SEN. CRISMORE for more detail on what the highly discriminatory prohibitions on out-of-state purchases are and why they wouldn't violate the commerce clause of the U.S. Constitution. SEN. CRISMORE stated that he is not sure why they wouldn't violate the commerce clause. He deferred the question to Mr. Hegreberg. Mr. Hegreberg handed out a copy of the Idaho statute EXHIBIT (nah68a03). The statute is probably

unconstitutional, however, until it is challenged it will remain carrying the force of law. He went over Idaho's law. **REP. HARRIS** asked, why not challenge this in federal court? **Mr. Hegreberg** stated, there are interests in the state of Washington who are looking to challenge this statute. Since these are School Trust Lands in order to bring suit you would have to be a beneficiary of the trust lands. **REP. HARRIS** stated that he would disagree. An out-of-state bidder who is being unfairly discriminated against would have standing in federal court.

REP. YOUNKIN asked **SEN. CRISMORE** do you know of anything else that the state or private businesses have done to urge Idaho to change their law? **SEN. CRISMORE** stated, Libby Economic Development Group sent some letters to Idaho telling them that this is unfair.

REP. STORY asked **SEN. CRISMORE**, if this doesn't work, how do we request DNRC to bring similar Montana legislation without creating the same question about unconstitutionality? **SEN. CRISMORE** stated, we probably can't do that, it is just a way of getting Idaho's attention.

Closing by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 21.4}

SEN. CRISMORE asked for a do concur.

EXECUTIVE ACTION ON SJ 13

{Tape : 1; Side : A; Approx. Time Counter : 21.9}

Motion: **REP. HARRIS** moved that **SJ 13 BE CONCURRED IN.**

Discussion:

REP. MOOD gave an example of why this is needed.

REP. HARRIS stated that this resolution tries a little diplomacy before anyone goes into court. This is exactly the right way to go.

Vote: Motion that **SJ 13 BE CONCURRED IN** carried unanimously.

HEARING ON SB 484

Sponsor: **SEN. TOM BECK, SD 28, Deer Lodge**

Proponents: Don Allen, WETA
Jim Jensen, MEIC
Jan Sensibaugh, DEQ

Opponents: None.

Opening Statement by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 23.8}

REP. YOUNKIN introduced the bill on behalf of SEN. BECK. REP. YOUNKIN stated SB 484 is a fairly simple bill. It will allow the department to issue bonds for some major mining reclamation and use RIT funds to pay off the bonds after it reaches the \$100,000,000 cap.

Proponents' Testimony:

{Tape : 1; Side : A; Approx. Time Counter : 24.9}

Jan Sensibaugh, DEQ, submitted written testimony
EXHIBIT (nah68a04).

Jim Jensen, MEIC, stated that the legislature has to pay attention to the needs of the taxpayer and make sure that mines are properly bonded. He asked for a do concur.

Steve Wade, Helena, self, urged the committee to protect the orphan fund. He suggested an amendment putting any excess funds beyond those needed for paying bond debt into the orphan fund.

Don Allen, WETA, stated, this bill is a move in the right direction. He asked the committee to consider the amendment by Mr. Wade and urged a do concur.

Opponents' Testimony: None.

Questions from Committee Members and Responses:

{Tape : 1; Side : A; Approx. Time Counter : 34.7}

REP. HOLDEN asked Mr. Jensen what are the years for the abandoned mines in his book? Mr. Jensen stated his book is from the first mine through 1995. REP. HOLDEN asked how many mines are currently operating in Montana? Mr. Jensen stated there are less than 10 major mines.

REP. WANZENRIED asked **Ms. Sensibaugh** what is the long-term solution for this problem? **Ms. Sensibaugh** stated, the bonding has to be done correctly.

REP. HARRIS asked **Ms. Sensibaugh** who ends up paying these reclamation costs? Will the taxpayers or the mining company pay? **Ms. Sensibaugh** stated, the taxpayers will most likely not pay anything on the bond debt. The orphan share will cover costs before any costs are put on the taxpayers. **REP. HARRIS** asks, will the orphan share account be underfunded? **Ms. Sensibaugh** stated the amount of money that goes into the orphan share is currently \$1.2 million. Of that about \$600,000 is the 8.5% metalliferous mine tax. That \$600,000 will be taken out and an additional \$600,000 will come in from the RIT account to make up that amount. The RIT will not be harmed by this. **REP. HARRIS** asked, is there any account that is going to be underfunded for which there is a need that should be met? **Ms. Sensibaugh** stated she does not believe so.

REP. STORY asked **Ms. Sensibaugh** how much money is in the orphan share now? **Ms. Sensibaugh** deferred the question to **Curt Chisholm, DEQ**. **Mr. Chisholm** stated, at the beginning of the biennium the fund balance will be about \$2.2 million. **REP. STORY** asked, in the past has the share been taking in more than it is spending? **Mr. Chisholm** stated the orphan share account was established in the 1997 legislative session. There have been no applications approved for controlled liability allocations since that time. Currently there are two application pending within the department. The projected expense given those two applications is about \$3.5 million. There have not been any expenditures made out of the account to date.

Closing by Sponsor:

{Tape : 1; Side : A; Approx. Time Counter : 46.1}

REP. YOUNKIN passed out some technical amendments **EXHIBIT (nah68a05)**. There are 71 major hard rock mine operating permits currently issued by DEQ.

EXECUTIVE ACTION ON SB 484

{Tape : 1; Side : A; Approx. Time Counter : 47.5}

Motion: **REP. DALE** moved that **SB 484 BE CONCURRED IN.**

Motion: **REP. DALE** moved that **AMENDMENTS SB048401.alm BE ADOPTED.**

Discussion:

Mr. Mitchell explained the amendments.

REP. DALE asked **Mr. Mitchell** would the amendment regarding the excess amount going to the orphan share fund be a substitute amendment or another conceptual amendment? **Mr. Mitchell** stated, it would be another amendment and would conflict with some of the other amendments. He explained those conflicts.

Vote: Motion that **AMENDMENTS SB048401.alm BE ADOPTED** carried 19-1 with Dale voting no.

Motion: **REP. DALE** moved that a **CONCEPTUAL AMENDMENT TO CHANGE THE AREAS OF THE BILL TO REFLECT THE EXCESS GOING INTO THE ORPHAN SHARE FUND BE ADOPTED.**

Discussion:

REP. STORY asked how do you know you have an excess? The problem is that there is no guarantee there will be a revenue stream if mines start shutting down. He stated that he would be cautious about taking any excess out. He asked **Mr. Chisholm** how DEQ is going to finance this thing out in the long haul. **Mr. Chisholm** stated the department would be nervous about being required to sweep the excess back into the orphan share given the fact that we don't want the general fund to have to pick up the debt. **REP. STORY** asked how many major mines would be paying into the account through the present tax? **Mr. Chisholm** stated, there are over 70 permitted facilities in Montana but only about 10 would be considered major mines that pay the metalliferous mine tax. **REP. STORY** asked would it be possible to get the information who the top 10 payers are and how much that is? Is the only mine left to pay into this going to be Stillwater in the next couple of years? **Mr. Chisholm** stated he is not sure who is paying into this. There are a number of sources that pay the metalliferous mine tax besides the 10 major mines. The revenue projections are still projecting that 8.5% of that tax will still be in excess of \$600,000 a year for the next three to four years. **REP. STORY** asked, since these are bonds backed by the general obligation of the state is this a bill that requires a 2/3 vote to pass? **Mr. Chisholm** stated yes. **REP. YOUNKIN** directed **REP. STORY's** attention to section 7 on page 6, it states 2/3 vote is required.

REP. YOUNKIN explained the amendment.

Vote: Motion that **CONCEPTUAL AMENDMENT BE ADOPTED failed 4-16** with **Clancy, Curtiss, Dale, and Mood** voting aye.

Motion: REP. DALE moved that **SB 484 BE CONCURRED IN AS AMENDED.**

Discussion:

REP. HURDLE stated that she is wondering if the 70+ permitted mines are properly bonded.

REP. YOUNKIN stated that is not what this bill is about.

REP. HURDLE stated that she is concerned that the state may begin to rely on this fund and pay less attention to properly bonding.

REP. BROWN stated these monies are going to be used for past mistakes. The DEQ is getting better with all of the bonding issues.

REP. HURDLE asked **Ms. Sensibaugh** for some assurance that the 70+ permitted mines are appropriately bonded. **Ms. Sensibaugh** stated DEQ is very serious about doing correct bonding. There is a very strict process for doing an annual review to make sure that the mines are bonded for the current situation. There won't be enough money in the \$8,000,000 in SB 484 for DEQ to just relax and go away. **REP. HURDLE** asked, who do you consult with to determine adequate bonding? **Ms. Sensibaugh** stated DEQ works with the mining company and engineers that do the bonding calculation. They use standard manuals and standard information to develop those calculations.

{Tape : 1; Side : B; Approx. Time Counter : 0.1}

REP. STORY asked **Mr. Chisholm** why there isn't a reserve fund. **Mr. Chisholm** went over the structure of the debt service accounts and the reasons they are set up the way they are. **REP. STORY** asked isn't it wise to hold some of the money in reserve? **Mr. Chisholm** stated that the excess bond money goes into the reclamation account which creates the reserve.

Vote: Motion that **SB 484 BE CONCURRED IN AS AMENDED** carried unanimously.

EXECUTIVE ACTION ON HB 69

{Tape : 1; Side : B; Approx. Time Counter : 5.9}

Motion: REP. DALE moved that **HB 69 DO PASS.**

Motion: REP. DALE moved that **AMENDMENT HB006906.alm** BE ADOPTED.

Discussion:

REP. DALE passed out the amendments **EXHIBIT(nah68a06)** and he and Mr. Mitchell explained them.

REP. YOUNKIN asked REP. CYR and REP. LAIBLE if they had anything to add.

REP. CYR asked REP. DALE to tell the committee what DEQ and MEIC said about the amendments.

REP. DALE stated that they are not what everybody wanted but they were needed to get the bill out of committee. Everybody that was involved contributed to the amendments. He stated the meetings had more value than just the amendments.

REP. LAIBLE stated that there was a lot of participation in working on the amendments. The mining industry is working with the department to make sure that they are bonded properly. The amendments solve some of the problems. DEQ has really gone a long way in the way that they do bonding to make sure that the risks of mining problems are minimal. He stated that he is pleased with the outcome of the sub-committee.

REP. HURDLE asked, regarding amendment number 16, in order to modify a reclamation plan does there have to be a violation of the law? She stated that this seems like a Montana Mining Association bill as their amendments are all the amendments being presented. REP. LAIBLE stated that the department goes out on an annual basis to review the mine bonding. The department can then change their bonding requirements. REP. HURDLE asked REP. LAIBLE to explain amendment number 16. REP. LAIBLE stated, the written finding is probably what they need to expand the bond because they are going beyond their determined areas. They are increasing the exposure for reclamation so that's what the findings would be. REP. DALE stated, that part of the bill refers to a situation where the mining company has already forfeited the bond or done something where the department has to take over. He asked Mr. Mitchell to explain amendment number 16. Mr. Mitchell went over the amendment.

REP. HURDLE asked Mr. Mitchell doesn't this make it more difficult to do the bonding in an adequate way? REP. STORY stated that is not a question Mr. Mitchell should answer. REP. HURDLE stated it makes it more difficult for the department to do the bonding and the reclamation. Doesn't it make it more

difficult for the department? **REP. DALE** stated actually that makes it easier to bond because although the department calculates the amount of bond the mining company has to go to bonding companies to acquire the bond. That bond is what provides the money to do the reclamation if the company defaults in it's performance.

REP. WANZENRIED stated that he would like to segregate the amendments into two parts. One part would be amendments 5 - 9, 12 - 13 and 15 as they all deal with the 10% contingency language. **REP. WANZENRIED** asked **REP. DALE** to summarize the concerns with the contingency fee. **REP. DALE** explained the concerns. **REP. WANZENRIED** asked would that amount of the bond be approved by a bond counsel? **REP. DALE** stated no. The bonding company can not bond on unknown quantities.

REP. STORY stated that bonding for the 10% contingency would be way more expensive than 10% of the premium on a known project.

REP. LAIBLE stated, in current bonding applications there is a contingency between 4% and 7% but those are for quantifiable items as opposed to a 10% overall fee.

Vote: Motion that **AMENDMENTS 5 - 9, 12 - 13 AND 15 OF HB006906.alm** BE ADOPTED carried 14-6 with Eggers, Erickson, Gutsche, Hurdle, Tramelli, and Wanzenried voting no.

Discussion on remaining amendments:

{Tape : 1; Side : B; Approx. Time Counter : 41.4}

REP. STORY asked **REP. DALE** when the small miner language was taken out of the bill did that take care of gravel pits and sapphire mines, etc? **REP. DALE** stated they are not referred to in the small miner exclusion. Gravel pits are in the open cut and they are still bonded. Sapphire miners would be small miners if their surface disturbance is less than 5 acres so it took care of those.

REP. LASZLOFFY asked **REP. DALE** have all the concerns of the small miners been addressed? **REP. DALE** stated yes, they are excluded from this bill and back under all the provisions they were in existing law.

REP. HARRIS stated that he would echo what **REP. DALE** said regarding amendment number 16. It is an improvement.

REP. STORY stated, regarding amendment number 16, when the bonds are generally set up they are set up to integrate with the operating plan of the mine and a lot of that has to do with reclamation as mining is going on. When the mine gets into the position where the bond is forfeited, that indicates that their mining plan has gone down and consequently that integration between the mining plan and the reclamation plan isn't there anymore. That is where the bond isn't financially large enough to meet the cost of reclamation. He asked **REP. DALE** so when you go to the language in number 16, now they have to do a written finding is that how this works? **REP. DALE** stated, in general, yes. The rest of the bond would be available to finish the reclamation and this release is intended to cover urgent and immediate needs. The reclamation plan, as approved, would have the rest of the bonded funds available. **REP. STORY** stated he is concerned that the bonding company will only be obligated to deal with the reclamation that follows the mining plan. Does that indicate that maybe the bond will be lowered because of the reduced costs and there is not a contingency to take care of a situation when a mine's out of operation? **REP. DALE** gave an example in a hard rock mine. Most issues are addressed in the bond.

REP. HARRIS stated current law says that the amount of the bond is what it would take if DEQ actually undertakes the reclamation work. The tension has come into play because the mines can reclaim much cheaper.

REP. DALE stated, tension has existed historically and that is probably what created the situation we are trying to deal with. This bill and these amendments attempt to take that uncertainty out of the process. If the DEQ and the mining company disagree on the bonding amount they will go to a third party.

Vote: Motion that **REMAINING AMENDMENTS BE ADOPTED** carried 15-5 with **Eggers, Erickson, Gutsche, Hurdle, and Wanzenried** voting no.

Motion: **REP. DALE** moved that **HB 69 DO PASS AS AMENDED**.

Discussion:

REP. CURTISS asked **REP. DALE** does the bill, as amended include the sapphire mines? **REP. DALE** stated, to the extent that they have an operating permit yes. If they are under 5 acres disturbance they are still in the small miner exclusion. If they are over the 5 acre disturbance they would have to be bonded anyway.

Vote: Motion that HB 69 DO PASS AS AMENDED carried 17-3 with Curtiss, Hurdle, and Wanzenried voting no.

EXECUTIVE ACTION ON SB 377

{Tape : 1; Side : B; Approx. Time Counter : 53.8}

Motion: REP. DALE moved that SB 377 BE CONCURRED IN.

Motion: REP. DALE moved that AMENDMENT SB037709.alm BE ADOPTED.

Discussion:

REP. DALE passed out the amendment EXHIBIT(nah68a07) and explained it.

REP. CLANCY asked REP. DALE, what is the purpose of amendment number 2? REP. DALE stated if all other parts of the law were referred to there would be several explanation of completeness. This new language makes it exclusive to the MEPA law.

Vote: Motion that AMENDMENT SB037709.alm BE ADOPTED carried unanimously.

Motion: REP. DALE moved that SB 377 BE CONCURRED IN AS AMENDED.

Discussion:

Mr. Mitchell passed out another set of amendments EXHIBIT(nah68a08) and briefly explained them.

Motion: REP. LASZLOFFY moved that AMENDMENT SB037704.alm BE ADOPTED.

Discussion:

REP. LASZLOFFY asked Michael Kakuk to explain the amendments.

{Tape : 2; Side : A; Approx. Time Counter : 0.1}

Mr. Kakuk explained the amendments.

REP. GUTSCHE asked, is this amendment amending other statutes of law that aren't in this piece of legislation? REP. YOUNKIN stated yes.

REP. HARRIS asked Mr. Mitchell if this set of amendments is within the title of the original bill. Mr. Mitchell stated,

because SB 377 seeks to provide time limits the amendment probably does fit.

Vote: Motion that **AMENDMENT SB 037704.alm BE ADOPTED carried 14-6 with Cyr, Eggers, Erickson, Gutsche, Hurdle, and Wanzenried voting no.**

Mr. Mitchell passed out another set of amendments **EXHIBIT (nah68a09)**.

Motion: **REP. DALE** moved that **AMENDMENT SB037708.alm BE ADOPTED.**

Discussion:

Mr. Mitchell explained the amendments.

REP. LASZLOFFY asked **REP. YOUNKIN** where other than district court is suit filed in these instances? **REP. YOUNKIN** stated this clarification is to make sure it is not going to be some sort of contested case hearing before the Board of Environmental Review. If it is not going to be in district court the only other place it could be is in federal court and these kinds of cases are not going to be in federal court unless they involve federal land some way or another. **REP. HARRIS** stated it could be in federal court but it would have to be a complicated case where NEPA may be involved. If the case hearing is an alternative we may not want to knock that out. **REP. YOUNKIN** stated she did not know if that is an option.

REP. LASZLOFFY asked **REP. HARRIS** if it is worded this way, as in the amendment, how do we know that it needs to be brought in the state district court rather than the federal district court?

REP. HARRIS stated this would introduce a little bit of confusion. He gave an example. He stated that we should not create that confusion.

REP. YOUNKIN stated, if federal law applies and you are in federal court you probably won't be remanded back to state court.

REP. HARRIS stated, as better drafting it should say, "May only be brought in district court or federal district court where appropriate."

Motion: **REP. HARRIS** moved that a **SUBSTITUTE AMENDMENT WITH LANGUAGE AS ABOVE STATED BE ADOPTED.**

Discussion:

REP. HARRIS explained his substitute amendment.

REP. HOLDEN asked if it could be worded, "state or federal district court"? **REP. HARRIS** gave an example why his wording would be better.

REP. YOUNKIN explained what the substitute amendment is.

REP. LAIBLE asked **REP. HARRIS** what would cause this to go to federal court? **REP. HARRIS** stated, there might be a larger federal case such as a NEPA case. He gave an example.

Vote: Motion that **AMENDMENT SB037708.alm PLUS THE SUBSTITUTE AMENDMENT BE ADOPTED** carried 11-9 with Bales, Clancy, Cyr, Eggers, Erickson, Gutsche, Hurdle, Tramelli, and Wanzenried voting no.

Motion/Vote: **REP. DALE** moved that **SB 377 BE CONCURRED IN AS AMENDED**. Motion carried 12-8 with Cyr, Eggers, Erickson, Gutsche, Harris, Hurdle, Tramelli, and Wanzenried voting no.

EXECUTIVE ACTION ON SB 455

{Tape : 2; Side : A; Approx. Time Counter : 23.5}

Motion: **REP. WANZENRIED** moved that **SB 455 BE CONCURRED IN**.

Motion: **REP. GUTSCHE** moved that **AMENDMENT SB045502.amv BE ADOPTED**.

Discussion:

Mr. Mitchell passed out the amendment **EXHIBIT(nah68a10)** and explained it.

Vote: Motion that **AMENDMENT SB045502.amv BE ADOPTED** carried unanimously.

Motion: **REP. WANZENRIED** moved that **SB 455 BE CONCURRED IN AS AMENDED**.

Discussion:

REP. HOLDEN asked where these documents not under state jurisdiction will be recorded? **REP. YOUNKIN** gave an example.

REP. HOLDEN asked, so are they recorded in the county courthouse?

REP. YOUNKIN stated no, subdivisions on tribal land are not even technically part of Montana. They have to go through whatever

procedures are set up within the tribal law and under federal law. **REP. HOLDEN** asked, why was this bill brought forth? **REP. YOUNKIN** stated, there are properties out there that can't be recorded. **REP. HARRIS** stated this bill is for divisions of lands on Indian Reservations. The county clerks have determined that the county doesn't have authority because the state doesn't have jurisdiction on the reservations. This bill clears up the issue once and for all.

REP. WANZENRIED stated, **SEN. DOHERTY** stated the documents can be recorded by filing suit and going through district court. This bill gives the counties authority to record the properties.

REP. DALE asked, what about private ownership within a reservation boundary? **Mr. Mitchell** explained what the bill does.

REP. LASZLOFFY asked **REP. YOUNKIN** is there a clerk and recorder for tribes? **REP. YOUNKIN** stated no. All of those lands are shown on the plat books at the clerk and recorders but they are simply shown as owned by the tribe. This would allow the clerk and recorder to record the plat even though our state subdivision laws do not apply to those tribal lands.

REP. LAIBLE asked **REP. HARRIS** what about non-Indians that own land on reservations? They have no subdivision regulations?

REP. HARRIS stated this bill does not interfere with the sovereignty balance in any way.

Vote: Motion that **SB 455 BE CONCURRED IN AS AMENDED** carried unanimously.

ADJOURNMENT

Adjournment: 5:40 P.M.

REP. CINDY YOUNKIN, Chairman

HOLLY JORDAN, Secretary

CY/HJ

EXHIBIT (nah68aad)